

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

DANIEL JUNIUS ALLEN

§

VS.

§

CIVIL ACTION NO. 1:08cv283

WARDEN JOE SMITH

§

MEMORANDUM OPINION REGARDING VENUE

Petitioner Daniel Junius Allen, an inmate confined in the Stiles Unit of the Texas Department of Criminal Justice, Institutional Division, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Discussion

Petitioner states that in 1994, he was convicted of murder in Criminal District Court No. 3 of Dallas County, Texas. He received a life sentence.

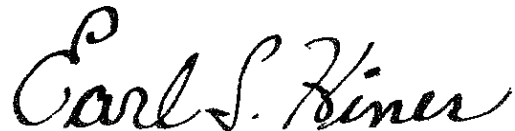
Petitioner filed this petition for writ of habeas corpus in the district in which he is currently confined. Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in the district in which he was convicted or the district in which he is incarcerated. Section 2241(d) further provides that the district court in the exercise of its discretion may transfer the action to the other district in the furtherance of justice.

Petitioner was convicted in Dallas County, Texas.

Pursuant to 28 U.S.C. § 124, Dallas County is in Dallas Division of the Northern District of Texas. As all records and witnesses involving this action may be located in the Northern District, the transfer of this action to such district would further justice.

Accordingly, this case should be transferred to the Dallas Division of the United States District Court for the Northern District of Texas. A Transfer Order shall be entered in accordance with this Memorandum Opinion.

SIGNED this 22 day of May, 2008.

A handwritten signature in black ink, reading "Earl S. Hines". The signature is written in a cursive style with a large initial "E".

EARL S. HINES
UNITED STATES MAGISTRATE JUDGE